

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

20 OCTOBER 1998

Pursuant to Council action on 6 October 1998, the City Council of the City of Greensboro met in regular session at 4:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: Councilmembers Keith A. Holliday and Earl F. Jones, excused by action of Council and entering later in the meeting. Also present were J. Edward Kitchen, City Manager; Jesse L. Warren, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Officer C. T. Blaylock, employee in the Police Department, who served as courier for the meeting.

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Mayor Allen explained the Council procedure for conduct of the meeting.

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Councilmember Carmany moved to excuse Councilmembers Holliday and Jones from attendance at this meeting. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

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Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of public necessity widening, curb and gutter improvements on New Garden Road from Fleming Road to the Bryan Boulevard eastbound ramp. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Mincello, Perkins and Vaughan. Noes: None.

N-60 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

NEW GARDEN ROAD FROM FLEMING ROAD TO THE BRYAN BOULEVARD EASTBOUND RAMP

WHEREAS, due notice has been given that on the 20th day of October, 1998 at 4:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

Without curbs and gutters, that public necessity and interest require that said street or streets within the limits set out be widened, with curbs and gutters, and that abutting property will be benefited to the extent of the part of the cost thereof to be assessed against such abutting property.

B. That the local improvements to be made on the street or streets set out above are as follows:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Donald R. Vaughan

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Councilmember Holliday entered the meeting at 4:09 p. m.

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Mayor Allen introduced a resolution alerting the citizens to a public water supply shortage and strongly urging ceasing the use of water for those purposes that are not essential to the public health, safety and welfare.

The Manager explained that dry weather conditions combined with record setting water usage had created serious drops in Greensboro's lakes. He stated that Allan Williams, Water Resources Director, had assessed the situation and determined the single largest controllable demand on our lakes was outside irrigation; the Manager stated that the resolution proposed for Council's consideration had been prepared to strongly urge citizens to cease unnecessary use of this valuable resource; i.e., irrigation, washing vehicles, etc., to attempt to insure that City reservoirs would not reach critically dangerous low levels. The Manager advised that staff would anticipate the need to request additional Council action on November 3 to adopt an ordinance which would require users to participate in water conservation. He stated that this shortage was one important reason to move forward with the Randleman Dam Project.

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Councilmember Jones entered the meeting at 4:11 p. m.

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Mr. Williams provided statistical data regarding water usage and the condition of City lakes/water sources. He reiterated the Manager's statements with regard to the seriousness of Greensboro's water situation, emphasized that the City reservoirs had dropped to a record low level for this time of year and encouraged citizens to discontinue the unnecessary use of water to avoid the implementation of additional restrictions.

Council discussed with the Manager and Mr. Williams various opinions and concerns with regard to Greensboro's water situation; i.e., past, current and future conditions of Greensboro's water supply; details about the use of water for irrigation; the worst case scenario if dry conditions continued into the next year; the feasibility of requiring mandatory water conservation if this action proved to be unsuccessful; whether or not Greensboro's growth had escalated the record water use; the need to educate the public regarding water use, etc. The Manager reiterated that discontinuing irrigation with Greensboro water was critical. Councilmember Holliday suggested that staff personally contact commercial lawn care businesses to inform of this voluntary policy and alert that additional action to restrict irrigation would be forthcoming in November. Councilmember Jones requested Mr. Williams to provide an analysis of flow levels and water consumption for the past ten years.

After lengthy discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

204-98 RESOLUTION ALERTING THE CITIZENS TO A PUBLIC WATER SUPPLY SHORTAGE AND STRONGLY URGING CEASING THE USE OF WATER FOR THOSE PURPOSES THAT ARE NOT ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the public demand for water is setting new records for late fall pumpage for the City of Greensboro as businesses and citizens continue to irrigate with large volumes of water;

WHEREAS, the increased usage coupled with an unusually dry summer and fall is causing the City's reservoirs to drop to a record level which has never occurred before at this time of year;

WHEREAS, continued consumption at these levels with lack of adequate rainfall will cause City reservoirs to reach critically, dangerous low levels for future public use and consumption;

WHEREAS, public health, safety and welfare demands that immediate action be taken to greatly reduce water consumption by strongly urging the ceasing of use for residential, institutional and commercial lawns, gardens, yards and ornamental shrub irrigation;

WHEREAS, it is deemed in the best interest of the City that the City Council continue to have public usage and reservoir levels monitored and to impose mandatory water restrictions if and when necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the citizens of Guilford County who are connected to the Greensboro City Public Water Supply are strongly urged to discontinue use of water for irrigation of lawns, yards, gardens, shrubbery and other purposes which are not necessary for the public health, safety and welfare.

2. That citizens are requested to cease such usage both as to manual and timed watering methods in an effort to gain the maximum savings of water possible.

3. That daily monitoring of water usage and lake levels shall be measured to indicate whether or not mandatory water restrictions shall be imposed through the adoption of an appropriate ordinance.

(Signed) Yvonne J. Johnson

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The City Manager requested Council to delete Item Number 11, Resolution approving bids and authorizing execution of contract no. 1997-01 for construction of the Kenneth Road Lift Station Replacement from the Consent Agenda; he advised because the State was behind schedule, this contract was not ready for action at this time. Councilmember Jones moved that the item be deleted from the agenda. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

Councilmember Holliday removed item number 13 from the Consent Agenda.

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Moving to the Consent Agenda, Mayor Allen introduced the following ordinance as required by the Greensboro Code of Ordinances:

- Ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to traffic regulations to reduce the speed limit along Old Lake Jeanette Road from 50 mph to 40 mph.

The Mayor thereupon requested a motion to approve the ordinance, resolutions and motion listed on the Consent Agenda, as amended. Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Holliday; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-160

AMENDING CHAPTER 16

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO TRAFFIC REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 16-96 of the Greensboro Code of Ordinances is hereby amended by changing Schedule 2A (Speed Limits on State Highway System Streets) as follows:

Old Lake Jeanette Road (SR 2490) from Lake Jeanette Road
(SR 2352) eastward to corporate limits of Greensboro at
a point 0.15 mile east of Lake Jeanette Road (SR 2352)
be changed from 50 mph to 40 mph.

Section 2. This ordinance is based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (f) and (g) and shall become effective upon the adoption of a concurring ordinance by the North Carolina board of Transportation adopting the speed limits so fixed herein and signs are erected giving notice of the authorized speed limits.

Section 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Donald R. Vaughan

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205-98 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 3, 1998 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS -- LOCATED ON THE WEST SIDE OF BATTLEGROUND AVENUE AND THE NORTH SIDE OF HORSE PEN CREEK ROAD -- 3.58 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on October 20, 1998, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF BATTLEGROUND AVENUE AND THE NORTH SIDE OF HORSE PEN CREEK ROAD -- 3.58 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point, said point being in the northern boundary of Horse Pen Creek Road, and also being the southwest corner of Lot 2, and the southeast corner of Lot 1, of the Gaines Corporation Subdivision as recorded in Plat Book 76, page 109 in the Office of the Register of Deeds of Guilford County, North Carolina; thence with the eastern boundary of Lot 1, North 00°41' East, a distance of 160.00 feet to the northeast corner of Lot 1; thence with the northern boundary of Lot 1, North 89°19' West, a distance of 100.84 feet to the northwest corner of Lot 1, said corner also being in the eastern boundary of the Henry L. Maiden property; thence with the eastern boundary of the Maiden property North 24°57'30" East, a distance of 217.16 feet to the northwest corner of Lot 2, said corner also being in the southern boundary of the Rachel Combs property; thence with the southern boundary of the Combs property North 86°38' West, a distance of 203.40 feet, to the southwest corner of the Combs property; thence with the western boundary of the Combs property, North 12°27' West, a distance of 130 feet to the northwest corner of the Combs property; thence with the northern boundary of the Combs property, South 86°39' East, a distance of 265 feet to the northeast corner of the Combs property; thence with the eastern boundary of the Combs property, South 12°27' East, a distance of 130 feet to the southeast corner of the Combs property, said corner also being the southwest corner of the Pearl Roach heirs property, and also being in the northern boundary of Lot 2 of the Gaines Corporation subdivision; thence with the southern boundary of the Pearl Roach heirs property, South 86°41'30" East, a distance of 154.43 feet, to a point in the western boundary of U.S. Highway 220, said point also being the southeastern corner of the Pearl Roach heirs property, and the northeast corner of Lot 2; thence with the western boundary of U.S. Highway 220, South 16°55' East, a distance of 148.63 feet to a point; thence continuing with the western boundary of U.S. Highway 220, South 17°24' East, a distance of 177.52 feet to a point; thence with the extended western boundary of U.S. Highway 220, across the Horse Pen Creek Road right-of-way, South 17°24' East, a distance of approximately 104 feet, to the intersection of the extended western boundary of U.S. Highway 220, with the extended southern boundary of Horse Pen Creek Road; thence with the southern boundary of Horse Pen Creek Road, North 89°19' West, a distance of approximately 339 feet to a point; thence across the Horse Pen Creek Road right-of-way, North 00°41' East, a distance of approximately 60 feet to the point of BEGINNING.

THE ABOVE DESCRIBED ANNEXATION REQUEST INCLUDES:

The remaining portion of Lot 2 of the Gaines Corporation subdivision, subsequent to the sale of additional highway right-of-way to the NCDOT, which contains approximately 2.27 acres; and

The Rachel Combs property which contains approximately 0.77 acres; and

The portion of the Horse Pen Creek Road right-of-way between the extension of the boundary between Lot 1 and Lot 2 of the Gaines Corporation subdivision, South 00°41' West, eastward to the U.S. 220 right-of-way, which contains approximately 0.54 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 1999, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, September 30, 1999. Municipal ad valorem taxes for the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GREENSBORO:

That November 3, 1998 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than October 22, 1998.

(Signed) Donald R. Vaughan

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206-98 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 3, 1998 ON THE ANNEXATION
OF TERRITORY TO THE CORPORATE LIMITS -- LOCATED ON THE WEST SIDE OF
RIVERDALE ROAD AND THE SOUTH SIDE OF WALSER ROAD – 21.715 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on October 20, 1998, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE
WEST SIDE OF RIVERDALE ROAD AND THE SOUTH SIDE OF WALSER ROAD – 21.715 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

A PARCEL OF LAND LOCATED IN GILMER TOWNSHIP, GUILFORD COUNTY, NORTH CAROLINA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an existing iron pipe located at the southeast corner of Lot 68 of Bethany Woods Subdivision Phase 1 as shown in Plat Book 123, Page 137, said corner being North 50°50'24" West a distance of 1756.53 feet from North Carolina Geodetic Survey Monument "Fairy"; THENCE along the eastern property line of said Bethany Woods Phase 1, North 00°51'23" East a distance of 512.76 feet to an existing iron pipe, said pipe marking the southwest corner of James M. and wife Sandra B. Cockerham as described in Deed Book 4383, Page 161, and shown in Plat Book 80, Page 38; THENCE along the southern line of said Cockerham North 82°30'08" East a distance of 206.59 feet to an existing iron pipe; THENCE continuing along the southern line of said Cockerham North 82°35'40" East a distance of 204.01 feet to an existing iron pipe; THENCE continuing along the southern line of said Cockerham South 24°51'35" East a distance of 40.49 feet to an existing iron pipe, said pipe marking the northwest corner of the Harvell Property as described in Deed Book 3049 Page 946; THENCE along the western line of said Harvell South 01°01'27" East a distance of 166.87 feet to an existing iron pipe marking the southwest corner of said Harvell; THENCE South 84°09'15" East along the southerly property line of said Harvell and the southerly property line of the Harvell Property described in Deed book 2549, Page 859, a distance of 239.30 feet to an existing iron pipe marking the southwest corner of Jones as described in Deed Book 2082, Page 181; THENCE proceeding along the southern line of said Jones South 84°46'01" East a distance of 99.99 feet to an existing iron pipe marking the southeast corner of said Jones and the point of intersection with the westerly property line of Durham as described in Deed Book 3685 Page 2217; THENCE along said westerly line of Durham South 04°03'11" East a distance of 78.74 feet to a new iron pipe marking Durhams southwest corner; THENCE along the southern line of said Durham North 84°34'57" East a distance of 129.79 feet to an existing iron pipe marking Durhams southeast corner; THENCE along the eastern line of said Durham North 03°53'24" West a distance of 307.93 feet to an existing iron pipe marking the point of intersection with the southerly right-of-way line of Walser Road; THENCE along said southerly right-of-way line of said Walser Road North 84°26'30" East a distance of 99.98 feet to an existing iron pipe marking the northwest corner of Simpson, as described in Deed Book 4276 Page 350; THENCE from said corner along the property lines of said Simpson the following three (3) courses:

- 1) South 03°51'54" East a distance of 241.95 feet;
- 2) North 84°24'17" East a distance of 122.96 feet;
- 3) North 03°19'14" West a distance of 241.99 feet;

to an existing iron pipe marking the northeast corner of said Simpson, said pipe being at the point of intersection with said southerly right-of-way line of Walser Road; THENCE along said southerly right-of-way line North 84°31'21" East a distance of 125.32 feet to the point of intersection with the westerly right-of-way line of Riverdale Road; THENCE departing said Walser Road along the westerly right-of-way line of said Riverdale Road the following two (2) courses:

- 1) South 02°44'45" East a distance of 241.89 feet;
- 2) South 02°49'39" East a distance of 444.78 feet

to a new iron pipe marking the northeast corner of Neil A. McFarland, Jr. and wife Mabel R. McFarland property as described in Deed Book 2448, Page 183; THENCE along McFarlands northerly property lines the following three (3) courses:

- 1) North 87°34'53" West a distance of 553.71 feet;
- 2) South 05°52'35" West a distance of 40.95 feet;
- 3) North 82°01'53" West a distance of 282.53 feet

to a new iron pipe; THENCE departing said McFarlands northerly line, along a new line crossing said McFarland the following five (5) courses:

- 1) South 41°12'17" West a distance of 167.62 feet;
- 2) South 37°59'55" West a distance of 167.77 feet;
- 3) South 05°19'10" West a distance of 46.51 feet;
- 4) South 23°58'00" West a distance of 122.69 feet;
- 5) South 00°37'40" East a distance of 65.26 feet

to a new iron pipe being located at the point of intersection with the northern property line of Duke Power as described in Deed Book 883, Page 555; THENCE along said northern property line North 87°39'14" West a distance of 168.61 feet to an existing iron pipe being the northwest corner of said Duke Power and the northeast corner of Worth F. Maser as described in Deed 2197, Page 27; THENCE along the northerly property line of said Maser North 89°48'42" West a distance of 343.80 feet to an existing iron pipe marking the southeast corner of Bethany Woods Subdivision Phase II as described in Deed Book 4377, Page 1180-3; THENCE along the eastern property line of said Bethany Woods Subdivision Phase II North 06°30'15" East a distance of 577.38 feet to an existing iron pipe marking a corner on the southerly property line of said Bethany Woods Subdivision Phase I; THENCE along said southerly property line South 82°04'50" East a distance of 285.16 feet to the point of beginning, containing 21.715 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 1999, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, September 30, 1999. Municipal ad valorem taxes for the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That November 3, 1998 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than October 22, 1998.

(Signed) Donald R. Vaughan

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207-98 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 3, 1998 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS -- LOCATED ON THE EAST SIDE OF WILLOW ROAD, NORTH OF ALAMANCE CHURCH ROAD – 12.607 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on October 20, 1998, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF WILLOW ROAD, NORTH OF ALAMANCE CHURCH ROAD – 12.607 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point located on the east right-of way line of Willow Road, said point also being the southwest corner of the Neeses Country Sausage, Inc. property (D.B. 3215, Pg. 446): thence running S 85° 44' 00" E, for a distance of 1423.55 feet; thence S 27° 33' 22" W, 434.42 feet; thence N 85° 44' 00" W, 1279.70 feet to a point on the eastern right-of-way line of Willow Road; thence continuing N 85° 44' 00" W, approximately 30 feet to a point on the centerline of Willow Road, said centerline also being the city limit line; thence running along the city limit line and the centerline of Willow Road in a northward direction for a distance of approximately 400 feet; thence running S 85° 44' 00" E for a distance of 30 feet to the point of BEGINNING, containing 12.337 acres of property and 0.27 acre of street right-of way for a total area of 12.607 acres, based on a map prepared by Dewberry and Davis dated August 24, 1998.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 1999, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, September 30, 1999. Municipal ad valorem taxes for the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF GREENSBORO:

That November 3, 1998 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than October 22, 1998.

(Signed) Donald R. Vaughan

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208-98 RESOLUTION GIVING NOTICE OF INTENT FOR ANNEXATION OF TERRITORY LOCATED NORTH OF WEST WENDOVER AVENUE ALONG BRIDFORD PARKWAY AND HORNADAY ROAD AND BOUNDED ENTIRELY BY THE EXISTING CITY LIMITS AND PROVIDING AND FIXING THE DATE OF A PUBLIC HEARING ON SUCH ANNEXATION

WHEREAS, it is the intent of the City Council of the City of Greensboro to consider annexation of the following described territory pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

BEGINNING at a point in the existing Greensboro city limit line (as of September 30, 1998), said point being the westernmost corner of Lot 1 of Wendover Place Shopping Center, as recorded in Plat Book 122, Page 43 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING THE FOLLOWING COURSES AND DISTANCES WITH THE EXISTING CITY LIMITS and being as further described on City of Greensboro drawings D-2404, D-2066A, D-1906, and D-2154: along the west line of Lot 1 of said subdivision the following courses and distances: N 34° 20' 34" E 173.82 feet to a point, N 35° 52' 18" E 50.01 feet to a point, N 30° 26' 51" E 218.99 feet to the northwest corner of Lot 1; thence S 84° 42' 32" E 174.00 feet along the north line of Lot 1 to a point slightly west of the west right-of-way line of Hairston Street; thence S 38° 00' 47" E 13.69 feet along the north line of Lot 1 to the west right-of-way line of Hairston Street; thence in a northerly direction along said right-of-way line approximately 228 feet to its intersection with the south right-of-way line of Hornaday Road; thence in an easterly direction along said south right-of-way line approximately 1,400 feet to its intersection with the west right-of-way line of Bridford Parkway; thence in a southerly direction along said west right-of-way line approximately 890 feet to the southeast corner of Lot 6 of Wendover Place as recorded in Plat Book 122, Page 45; thence N 85° 26' 46" W 40.39 feet along the south line of Lot 6 to a point; thence S 86° 40' 13" W 229.68 feet along said south line to a point in the east line of Lot 1 of said subdivision; thence S 04° 34' 53" W 483.98 feet along said east line to a point in the north right-of-way line of West Wendover Avenue; thence in an easterly direction along said right-of-way line approximately 1,550 feet to a point; thence N 02° 08' 07" E approximately 1,015 feet to a point 1 foot south of the south right-of-way line of Interstate 40; thence in a northwesterly direction along a line 1 foot south of said right-of-way line approximately 2,900 feet to a point 200 feet east of and normal to the east right-of-way line of Guilford College Road; thence in a southwesterly direction along a line 200 feet east of and normal to said right-of-way line approximately 1,400 feet to a point on the northeast line of Marcus and Beverly Simpson; thence S 42° 40' 51" E 176.97 feet to the point and place of BEGINNING.

AND WHEREAS, pursuant to Chapter 160A Section 49 of the General Statutes of North Carolina, notice shall be published once a week for at least two (2) successive weeks prior to the public hearing, the date of the last publication to be not more than seven (7) days preceding the date of the public hearing, and notices shall be mailed at least four (4) weeks prior to the date of the hearing by first class mail to owners as shown by tax records of all freehold interests in real property located in the area under consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That a public hearing on the proposed annexation of the above-described territory will be held in the Council Chamber in the Melvin Municipal Office Building at 6:00 p.m. on Tuesday, January 5, 1999, at

which time plans for extending services to said territory will be further explained and all persons resident or owning property in said territory and all residents of the City of Greensboro will be given an opportunity to be heard.

2. That a report of plans for extending services to the above-described territory as required in G. S. 160A-47 will be made available for public inspection in the office of the City Clerk at least thirty (30) days prior to the date of said public hearing.
3. That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified will be posted in the office of the City Clerk at least thirty (30) days prior to the date of said public hearing.
4. That notice of said public hearing shall be given by publication and first class mailing as required by law. The effective date of the annexation shall be at least forty (40) days from the date of passage of the annexation ordinance.
5. That this resolution shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

.....

209-98 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-11 WITH THOMPSON-ARTHUR PAVING COMPANY FOR ROADWAY IMPROVEMENTS ON WENDOVER AVENUE

WHEREAS, Contract No. 1997-11 with Thompson-Arthur Paving Company provides for roadway improvements on Wendover Avenue;

WHEREAS, in order to provide and maintain ingress and egress to businesses along the Wendover Avenue Project, driveways were removed and replaced on Saturdays requiring the addition of asphalt base course as well as additional asphalt surface course due to extra work required to tie into existing pavement, parking lots and driveways;

WHEREAS, due to extremely wet weather conditions during early construction, additional base stone was required to bed drainage pipe, maintain driveways and strengthen areas in the roadway subgrade;

WHEREAS, due to traffic concerns, manhole and valve adjustments were constructed at night;

WHEREAS, in order to accomplish the above, it was necessary to authorize a change order in the amount of \$75,049.57.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with Thompson-Arthur Paving Company for roadway improvements is hereby authorized at a total cost of \$75,049.57, payment of said additional amount to be made from Account No. 431-6002-36.6014, CBR .063.

(Signed) Donald R. Vaughan

.....

Motion to approve minutes of regular meeting of 6 October 1998 and Closed session minutes of 31 August 1998 was unanimously adopted.

.....

Mayor Allen introduced a Resolution authorizing installation of water and sanitary sewer mains along Pleasant Ridge Road and Fleming Road to serve the Thornblade Subdivision in accordance with the City-County Water and Sewer Agreement which had been removed from the Consent Agenda by Councilmember Holliday.

The Manager and Mr. Williams briefly explained the City process used to allow property owners outside the City limits to sign an annexation agreement to receive water and/or sewer services; they advised the agreement with this property owner was in place.

After Councilmember Holliday expressed concern with Council being asked to approve these extensions in light of the water shortage facing Greensboro citizens, the Manager emphasized that the current water problems had been caused by drought periods and not by this type of growth. The Manager discussed with Council the importance to Greensboro of the Randleman Dam Project, the fact that a change in the existing policy to restrict these extensions would negatively impact economic growth for the area, the need to manage Greensboro's water resources and plan for future growth, the Council's ability to change the existing policy regarding extensions if desired, etc. The Manager also spoke to existing moratorium for new sewer service extensions, advised staff was pleased with the progress at the Osborne Plant since the hiring of the new company and advised the future capacity of the plant would meet the ongoing needs of the users of Greensboro's sewer service.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

**210-98 RESOLUTION AUTHORIZING INSTALLATION OF WATER AND SANITARY SEWER MAINS
ALONG PLEASANT RIDGE ROAD AND FLEMING ROAD UNDER AGREEMENT BETWEEN
CITY OF GREENSBORO AND GUILFORD COUNTY**

WHEREAS, Guilford County has recently authorized the installation of an 8-inch water main and an 8-inch sanitary sewer main along Pleasant Ridge Road and Fleming Road to serve the Thornblade Subdivision, as shown on the attached map, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed and, in the opinion of the City Council, the best interest of the City will be served by the construction of the water and sanitary sewer mains in accordance with said agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:**

That the construction of the above mentioned water main in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized, provided that, since the project is to be privately financed, there shall be no assessments levied.

(Signed) Earl Jones

.....

Mayor Allen introduced an Ordinance appropriating Council Contingency Funds in the amount of \$1,000 to support Commission on the Status of Women's Twenty-Fifth Anniversary Event.

After Councilmember Perkins inquired as to why the Human Relations Department budget was not used to fund this request, Pat Pate, Budget and Evaluation Department Director, explained that the Department's budget was too small. Councilmember Johnson spoke to the work of the Commission and requested Council's support. The Mayor advised interested citizens who wished to participate in the event should contact the Human Relations Department for information.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-161 ORDINANCE AUTHORIZING USE OF COUNCIL CONTINGENCY FUNDS TO SUPPORT COMMISSION ON THE STATUS OF WOMEN TWENTY-FIFTH ANNIVERSARY EVENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the following General Fund account be increased as follows for the purpose of supporting the Commission on the Status of Women twenty-fifth anniversary event:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0301-01.5239	Miscellaneous Supplies	\$1,000

and, that this increase be financed by decreasing the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9550-01.5990	Council Contingency	\$1,000

(Signed) Yvonne J. Johnson

.....

After the introduction by the Mayor of an Ordinance amending in the amount of \$9,940 State and Federal Grants Fund Budget for the purpose of the printing of a comprehensive trails map and a park brochure for Tannenbaum Park, Councilmember Burroughs-White moved its adoption. The motion was seconded by Councilmember Holliday; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-162 ORDINANCE AMENDING STATE AND FEDERAL GRANTS FUND BUDGET FOR THE PURPOSE OF THE PRINTING OF A COMPREHENSIVE TRAILS MAP AND A PARK BROCHURE FOR TANNENBAUM PARK

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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220-5018-02.5224	Outside Printing	\$6,940
220-5024-02.5224	Outside Printing	<u>3,000</u>

TOTAL: \$9,940

and, that this increase be financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5018-02.7110	State Grant	\$2,325
220-5018-02.9101	Transfer from General Fund	4,615
220-5024-02.7110	State Grant	1,500
220-5024-02.9101	Transfer from General Fund	<u>1,500</u>

TOTAL: \$9,940

.....

Mayor Allen introduced an Ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Boards and Commissions to establish policies for (1) selection of members and (2) removal of members for extended absences.

Councilmember Vaughan spoke to meetings of the Council Committee which had resulted in recommendations for expanding the membership from seven (7) to nine (9) members on the Planning Board, Historic Preservation Commission and the Board of Building Appeals and would formalize Council's policy to be used to address absentee problems on boards/commissions. In response to questions/comments regarding the feasibility of changing the meeting times of various boards/commissions in order to provide the opportunity for more diverse membership, Councilmember Vaughan advised the meeting times were not addressed by the Committee but were determined by the individual boards/commissions.

Council discussed various opinions and concerns with respect to the proposed changes; i.e., the new policy would provide a better system, the new regulations would bring the policy up to date and meet current needs for ensuring appropriate attendance, etc. Some members of Council encouraged that when making future nominations to boards/commissions, each Councilmember should be mindful of the need to ensure city-wide representation and geographic distribution of the members.

Councilmember Perkins expressed concern that the Council liaison assignments to boards/commissions enabled one member of Council to be fully informed of activities and represent the entire Council. He added that he favored annual reports to Council by the Chair of these boards/commissions to ensure that information was distributed uniformly to all members of Council. Councilmember Vaughan emphasized that all board/commission meetings were open to the public and Council could attend as many of these meetings as often as they desired.

After brief discussion regarding the desire by some members of Council to receive or review all boards/commissions minutes, the Mayor advised copies of minutes could be placed into the Council office for review.

Councilmember Holliday moved adoption of the ordinance. The motion was seconded by Councilmember Mincello; the following roll call vote was recorded: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, and Vaughan. Noes: Perkins. After Councilmember Perkins stated that he had not voted as he intended, Councilmember Vaughan moved that the Clerk be instructed to clear the board. The ordinance was thereupon adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and Vaughan. Noes: None.

98-163 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO BOARDS AND COMMISSIONS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Chapter 2, Article V, Division 1 of the Greensboro Code of Ordinances is hereby amended by rewriting the title to Division 1 and rewriting Section 2-136 as follows:

“Division 1. General Rules for Boards and Commissions.

Section 2-136. Scope and Preamble.

Unless otherwise specifically provided by separate law or ordinance, all boards and commissions established by ordinance shall be governed by this Division.

It is the policy of the City Council of the City of Greensboro to select citizens from the entire community to serve on boards and commissions taking into consideration gender, race and residence on a geographical basis. It is the intent to select members to boards and commissions on an equitable and proportionate basis representing each of the five Councilmatic Districts and each of the three At-large Seats and the Office of the Mayor. Based on the above criteria, each member of the City Council may make recommendations to the full City Council which, in its discretion, shall appoint all members of each board and commission.”

Section 2. That Section 2-140 of the Greensboro Code of Ordinances is hereby amended by rewriting said section to read as follows:

“Section 2-140. Removal of Members for Cause.

A member of a board or commission shall automatically be removed from office if such member shall miss all of the meetings held during any period of ninety (90) days without excuse granted by the board or commission based on written medical justification signed by a duly authorized Doctor of Medicine. The Mayor shall inform the member by letter of the basis for removal and the effective date thereof. In addition, the City Council may remove a member for any other cause.”

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinances are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective immediately upon adoption.

(Signed) Keith A. Holliday

.....

After the introduction by Mayor Allen of an ordinance amending Chapter 6 of the Greensboro Code of Ordinances with respect increasing membership of the Greensboro Board of Building Appeals from seven (7) to nine (9) members, Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello and Vaughan. Noes: Perkins.

98-164 AN ORDINANCE AMENDING CHAPTER 6 OF THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO BUILDINGS AND BUILDING REGULATIONS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 6-42 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (b) to read as follows:

“(b) The Greensboro Board of Building Appeals shall consist of nine (9) members who shall be appointed by the City Council for terms to expire as of August 15. One (1) member shall be a licensed architect; one (1) member shall be a licensed building contractor; One (1) member shall be a licensed fire insurance agent; and six (6) members shall be members at large.”

Section 2. That Section 6-43 of the Greensboro Code of Ordinances is hereby amended by rewriting the last sentence under subsection (d) to read as follows:

“The concurring vote of five (5) members of the board shall be necessary to reverse or modify any decision of the building inspector.”

Section 3. That all laws and clauses of laws in conflict with the provision of this ordinance is hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective on and after 1 December 1998.

(Signed) Donald R. Vaughan

.....

The Mayor introduced an Ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to increasing membership on the Historic District Commission and the Planning Board from seven (7) members to nine (9) members, respectively.

Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, and Vaughan. Noes: Perkins.

98-165 AMENDING CHAPTER 30

AN ORDINANCE AMENDING CHAPTER 30 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO CITY OF GREENSBORO DEVELOPMENT ORDINANCE

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 30-9-2.2 of the Greensboro Code of Ordinances is hereby rewritten to read as follows:

“30-9-2.2. Membership.

The Planning Board shall consist of nine (9) members who shall be appointed by the City Council for terms to expire as of August 15.”

Section 2. That Section 30-9-2.3 of the Greensboro Code of Ordinances is hereby rewritten to read as follows:

“30-9-2.3. Quorum.

Five (5) members of the Planning Board shall constitute a quorum.”

Section 3. That Section 30-9-5.2 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (A) to read as follows:

“(A). Number of Members: the Historic Preservation Commission shall consist of nine (9) members who shall be appointed by the City Council for terms to expire as of August 15. One (1) of these members shall be appointed from the Planning Board so that such member may serve as a liaison between the Planning Board and the Historic Preservation Commission.”

Section 4. That Section 30-9-5.3 of the Greensboro Code of Ordinances is hereby amended by rewriting the first sentence therein to read as follows:

“Five (5) members of the Historic Preservation Commission shall constitute a quorum.”

Section 5. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective on and after 1 December 1998.

(Signed) Donald R. Vaughan

.....

Mayor Allen introduced an Ordinance amending in the amount of \$216,900 Bryan Park Fund Budget for the construction of additional soccer fields and related facilities.

Assistant City Manager William Harrell provided an overview of the City’s partnership with Greensboro Youth Soccer Association (GYSA) and the Joseph M. Bryan Foundation to develop and maintain an area at the Bryan Park Complex to be known as the Bryan Park Soccer Annex. He commended the participants for their hard work to bring this project to fruition.

Bob Singer, residing at 1802 Granville Road, spoke to the success of the soccer program and to the GYSA members and participation; detailed the public/private partnership and the proposed agreement; reviewed the roles of the City and GYSA; and encouraged Council’s support of the proposed partnership to provide additional soccer fields for the area’s youth.

Councilmember Perkins moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-166 ORDINANCE AMENDING BRYAN PARK FUND BUDGET FOR THE CONSTRUCTION OF
ADDITIONAL SOCCER FIELDS AND RELATED FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 98-99 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Bryan Park Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-5055-03.5931	Contributions to Non-government	\$211,900
531-5055-03.4130	Salaries & Wages Seasonal	1,000
531-5055-03.5627	Maintenance & Repair Other	<u>4,000</u>

TOTAL: \$216,900

and, that this increase be financed by increasing the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
531-0000-00.9101	Transfer from General Fund	\$216,900

(Signed) Robert V. Perkins

.....

Mayor Allen introduced a resolution authorizing lease agreement with Greensboro Youth Soccer Association, Inc. and the construction of a seven-field soccer facility known as the Bryan Park Soccer Annex.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

211-98 RESOLUTION AUTHORIZING LEASE AGREEMENT WITH GREENSBORO YOUTH SOCCER ASSOCIATION, INC AND THE CONSTRUCTION OF A SEVEN-FIELD SOCCER FACILITY KNOWN AS THE BRYAN PARK SOCCER ANNEX

WHEREAS, the City of Greensboro Parks and Recreation Department, the Greensboro Youth Soccer Association (GYSA) and the Joseph M. Bryan Foundation have requested a construction contract and a five-year lease with an option to renew for 2 five-year terms for the construction and maintenance of seven new practice soccer fields at Bryan Park, as shown on the attached map;

WHEREAS, the GYSA and the Bryan Foundation have agreed to contribute \$447,100 toward the \$659,000 total estimated project cost and are requesting the City to fund approximately one-third of the total cost, or \$216,900.00 for the upgrading of existing sanitary lift station and installation of sewer main to serve the proposed Soccer Annex;

WHEREAS, following construction, the City has further agreed to maintain the soccer facilities with new revenues, generated by these fields to partially offset these costs;

WHEREAS, it is deemed to be in the best interest of the City to approve the construction contract and authorize the lease agreement in accordance with the terms as set out in an agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute a proper Lease Agreement and Construction Contract on behalf of the City of Greensboro with GYSA and the Bryan Foundation all in accordance with the terms and conditions as set out in the above mentioned contract and agreement.

(Signed) Yvonne J. Johnson

.....

The Mayor introduced a Resolution approving bid and authorizing execution of Contract No. 98-000547 with Greensboro Contracting Corporation, Inc., for the upfit of the Coliseum Club Room space.

After brief discussion regarding the funding source and timetable for completion of the project, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Holliday; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

212-98 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 98-000547 WITH GREENSBORO CONTRACTING CORPORATION, INC. FOR THE UPFIT OF THE COLISEUM CLUB ROOM SPACE

WHEREAS, after due notice, bids have been received for the upfit of the Coliseum Club Room space;

WHEREAS, Greensboro Contracting Corporation, Inc., a responsible bidder, has submitted the low base bid in the total amount of \$223,500.00, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Greensboro Contracting Corporation, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 521-7560-03.6059, CBR .001.

(Signed) Earl Jones

(A tabulation of bids for the upfit of the Coliseum Club Room space is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Mayor Allen introduced a resolution authorizing Participation Agreement with Jefferson Pilot Financial for the widening and improvement of New Garden Road from Fleming Road to Bryan Boulevard.

Richard Atkins, Director of Transportation Department, provided of an overview of the proposed agreements with Jefferson Pilot and North Carolina Department of Transportation (NCDOT) for the widening and improvements of New Garden Road; he advised this partnership was consistent with City policy. Council briefly discussed with Mr. Atkins and Steve Kennedy, Director of the Engineering and Inspections Department various opinions with respect to this project. Council also expressed appreciation to Jefferson Pilot and NCDOT for participating in efforts to provide a quality roadway facility. Councilmember Mincello expressed appreciation and noted that Jefferson Pilot's participation was a result of the settlement agreement negotiated between that company and the neighborhood.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

213-98 RESOLUTION AUTHORIZING PARTICIPATION AGREEMENT WITH JEFFERSON PILOT FINANCIAL FOR THE WIDENING AND IMPROVEMENT OF NEW GARDEN ROAD FROM FLEMING ROAD TO BRYAN BOULEVARD

WHEREAS, Jefferson Pilot Financial is proceeding with the development of its property situated along New Garden Road in the form of residential, office and commercial improvements;

WHEREAS, due to those improvements vehicular and pedestrian traffic in the area will greatly increase;

WHEREAS, Jefferson Pilot Financial has proposed a participation agreement authorizing the widening and improving of New Garden Road from Fleming Road on the west to the Bryan Boulevard eastbound ramp on the East;

WHEREAS, the City will cause the design and construction of the roadway improvements to New Garden Road;

WHEREAS, Jefferson Pilot Financial has agreed to contribute a portion of approximately \$1,000,000.00 of the estimated \$3,000,000.00 total engineering design and construction costs to defer design and construction costs along their property adjacent to New Garden Road;

WHEREAS, it is deemed to be in the best interest of the City to allow for the roadway improvements to New Garden Road from Fleming Road to Bryan Boulevard, in accordance with the terms and conditions as set out in a certain participation agreement presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute a proper participation agreement on behalf of the City of Greensboro with Jefferson Pilot Financial all in accordance with the terms and conditions as set out in the above mentioned agreement.

(Signed) Earl Jones

.....

After the Mayor introduced a resolution authorizing Municipal Agreement with North Carolina Department of Transportation accepting grant funds in the amount of \$150,000 for the New Garden Widening Project, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

214-98 RESOLUTION AUTHORIZING PARTICIPATION AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING AND IMPROVEMENT OF NEW GARDEN ROAD FROM FLEMING ROAD TO BRYAN BOULEVARD

WHEREAS, the North Carolina Department of Transportation and the City of Greensboro propose to make certain improvements consisting of the widening and improvement of SR 2179 (New Garden Road) from SR 2136 (Fleming Road) to SR 2176 (Bryan Boulevard);

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an agreement for construction of the aforementioned improvements whereby the City of Greensboro agrees to prepare the project plans, acquire any necessary right-of-way, adjust all utilities, award the construction contract, and supervise project construction;

WHEREAS, the agreement further provides for the Department of Transportation to reimburse the City of Greensboro up to a maximum amount of \$150,000.00 for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That said project is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and City Clerk are hereby empowered to sign and execute the agreement with the North Carolina Department of Transportation.

(Signed) Yvonne J. Johnson

.....

Mayor Allen stated that Council would now consider a request from Koury Corporation for participation in the roadway improvements along Market Street.

The Manager advised that Council had received background material with respect to this request and stated that staff could not justify participation in this effort.

Steve Showfety, representing Koury Corporation, spoke to the unique circumstances with respect to this request for participation and emphasized that this was a safety issue request. He advised the property on Market Street was being developed under the existing zoning pattern; however, the City would not allow the use of the existing driveway cut onto Market Street for any development on this property. Mr. Showfety also spoke to unsuitable alternate access routes to this property. He recapped the Company's request, spoke to NCDOT requirements to improve the sight distance on Market Street by removal and disposal of the embankment on the south side of the street and other improvements, provided a detailed project description, outlined transportation benefits to the public, spoke to the proposed development of an office building and the financial benefits to Greensboro, detailed the projected cost of required improvements and requested participation in the amount of \$253,937 from the City of Greensboro. Mr. Showfety additionally requested the City to participate in the cost of a traffic signal to be placed at this location to enhance traffic flow and cycled to address speeding traffic on Market Street. Although Council adopted a motion to support this amendment to the request, Mr. Showfety later requested that this be delayed until staff had an opportunity to review NCDOT input and further evaluate this matter.

Council discussed at length with staff and Mr. Showfety various concerns and opinions with respect to the proposed participation request; i.e., the unique opportunity to address safety issues on this dangerous portion of Market Street, the fact that City money would be used to assist in making the proposed/required improvements that would improve site distance and benefit the motoring public, the fact that no rezoning had been requested but the existing curb cut on the property could not be used, the inadequate alternate access route to this property, etc.

Councilmember Jones moved adoption of a resolution authorizing participation agreement with Koury corporation for roadway improvements on N. C. 412 (West Market Street) in the vicinity of 3511 West Market Street. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

215-98 RESOLUTION AUTHORIZING PARTICIPATION AGREEMENT WITH KOURY CORPORATION FOR ROADWAY IMPROVEMENTS ON N.C. 421 (WEST MARKET STREET) IN THE VICINITY OF 3511 WEST MARKET STREET

WHEREAS, Koury Corporation is proceeding with the construction of a 100,000 square foot office building at 3511 West Market Street;

WHEREAS, the North Carolina Department of Transportation requires improvement of the sight-line distance on Market Street by removal and disposal of the embankment on the south side of the street, modification to the storm drainage, a relocation of the median opening, the addition of a directional left turn lane in the west bound lane and an eastbound right turn lane.

WHEREAS, Koury Corporation with assistance from a design professional estimated this project to total approximately \$366,000 and is requesting the City to enter into a participation agreement to pay \$253,937 of this cost by reimbursement.

WHEREAS, Koury Corporation will convey the necessary rights-of-way to the City or State in order to accommodate the improvements cited above;

WHEREAS, in the interest of public safety and recognizing the over-all benefits to the community at large, it is deemed in the best interest of the City to participate in the roadway improvements as set forth in a certain participation agreement to be jointly signed by the parties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and city clerk are hereby authorized to execute a proper participation agreement on behalf of the City of Greensboro with Koury Corporation for roadway improvements on West Market Street (N.C. 421) all in accordance with the terms and conditions as set out in the above mentioned agreement.

(Signed) Earl Jones

.....

The Mayor announced a recess at 5:50 p. m.

The Council re-convened at 6:00 p.m. with all members present.

.....

Mayor Allen stated Council would now consider a request from Project Homestead for funding of Construction Job Training and Distribution Center proposal.

Some members of Council spoke to the quality of this proposal and their desire to provide financial support but expressed concern that funding this project would nearly deplete the Council's Contingency Fund. Council discussed with the Manager other possible funding sources as well as the fact that this Fund could be replenished at a later time using the \$3 million surplus left from last year's budget. Discussion was also held regarding the work of this Center to provide services which would result in developing much-needed skilled labor. It was also noted that this program would provided neighborhood accessible training which would target unemployed/less skilled residents in the southeast area of the City.

Some members of Council suggested that funds might be included in the annual budget to provide allow the funding of certain quality programs/proposals which were presented outside the City's regular evaluation process and whose deadlines did not match the City's budget year. After Councilmember Holliday suggested a mid-year evaluation on the realignment of the budget to provide more access to funding, the Mayor cautioned it would be difficult to effectively assess non-profit funding requests unless they were evaluated at the same time.

After lengthy discussion, Councilmember Burroughs-White moved adoption of the Ordinance authorizing use of Council Contingency Funds to support Project Homestead Training and Distribution Center. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-167 ORDINANCE AUTHORIZING USE OF COUNCIL CONTINGENCY FUNDS TO SUPPORT PROJECT HOMESTEAD TRAINING AND DISTRIBUTION CENTER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the appropriation for the General Fund/Non Departmental account be changed as follows for the purpose of supporting the Project Homestead Training and Distribution Center:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9540-22.5931	Contrib. To Non-Govt. Agency	\$225,875

and, that this increase be financed by decreasing the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9550-01.5990	Council Contingency	\$225,875

2. That an appropriate contract shall be entered into with Project Homestead, Inc. governing the use of the above funds and monitoring the expenditures thereof in accordance with its purposes.

(Signed) Claudette Burroughs-White

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After the introduction by the Mayor of a resolution approving bid in the amount of \$190,150 and authorizing execution of Contract No. 98-000544 with A.A.R. of North Carolina for the replacement of various roofs on City buildings, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

216-98 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 98-000544 FOR THE 1998-99 REROOFING CONTRACT

WHEREAS, after due notice, bids have been received for the 1998-99 Reroofing Contract;

WHEREAS, A.A.R. of North Carolina, a responsible bidder, has submitted the low base bid in the total amount of \$190,150.00, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by A.A.R. of North Carolina is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account Nos. 565-4533-01.6059, CBR .010 - \$159,650.00, 101-2507-10.5613 - \$19,110.00 and 543-4531-01.5613 - \$11,390.00.

(Signed) Donald R. Vaughan

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After the introduction by Mayor Allen of a Resolution approving the restructuring of a \$23,000 rehab loan on property located at 303 Marshall Street, Andy Scott, Director of the Housing and Community Department, spoke to the need to allow Project Homestead, Inc. to sell this property, formerly owned by the Greensboro Episcopal

Housing Ministry, to the original tenant at the original contract price and explained that this was a housekeeping matter.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

217-98 RESOLUTION APPROVING THE RESTRUCTURING OF A \$23,000 REHAB LOAN ON PROPERTY LOCATED AT 303 MARSHALL STREET

WHEREAS, the Greensboro City Council approved a \$23,000 Rehabilitation Loan for the Property located at 303 Marshall Street on September 3, 1996;

WHEREAS, the original owner (Greensboro Episcopal Housing Ministry) became insolvent and transferred its holdings to Project Homestead, Inc.;

WHEREAS, Project Homestead, Inc., pursuant to its agreement with the City of Greensboro, is selling the house to the original tenant at the original contract price;

WHEREAS, it is necessary to restructure the loan in order to assure affordability under the terms of the original contract.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the \$23,000 rehabilitation loan on 303 Marshal Street be restructured as follows:

1. The Second mortgage loan of \$14,000 be restructured to a \$11,525 grant and a \$2,475 deferred mortgage loan; and
2. The third mortgage loan of \$9,000 be restructured into a grant.

(Signed) Earl Jones

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Dallas Hanover, residing at 1503 New Garden Road, had a number of questions regarding the planned improvements to New Garden Road approved earlier in the meeting; i.e., whether sidewalks were planned, the process involved with assessing property owners, the process to appraise property for purchase of needed right-of-ways, the status of the park proposed for a portion of the Jefferson Pilot property, etc. Mr. Kennedy suggested that Mr. Hanover should contact Keith Pugh in his department to obtain answers to his questions about these improvements.

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Jack Almon, residing at 3106 Collier Drive and President of Lindley Park Neighborhood Association; Steven Collins, residing at 3103 Peoples Drive; and Scott Webster, residing at 3000 Peoples Drive; expressed concern with respect to a recent block party held at J. P. Looney's which disturbed the neighborhood and was in violation of zoning regulations. Mr. Almon provided a video tape of this event and detailed police response to neighborhood calls. They expressed the concern that this establishment would create problems which other neighborhoods are experiencing and expressed concern with problems that emanate from this type of establishment; i.e., assaults, vandalism, litter, etc.

Danny Bowman, residing at 3901 Gaston Road and owner of J. P. Looneys, spoke to his investment in this business and his desire to operate a quality restaurant. With respect to the turmoil surrounding the recent outdoor event, he stated that he had received the necessary permits for tents, banks, alcohol and had voluntarily closed the event at a reasonable hour. Mr. Bowman expressed concern that none of members of the neighborhood association had contacted him to discuss any concerns/problems.

Council discussed various opinions and concerns with respect to this matter. It appeared to be the consensus of Council that the overall policy regarding conflicts which arise between neighborhoods and business establishments should be addressed at a Council Briefing. Council directed that neighborhood associations, business owners, etc. should be invited to attend the Briefing.

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Sarah E. Graham, 5119 West Wendover Avenue, representing the Prince of Peace Haven program, detailed the work of this non-profit group to provide housing and treatment for individuals who had problems with drugs and/or alcohol. She spoke to Guilford County's assistance by providing a building for use by the group in return for in-kind services. After Ms. Graham requested Council to provide \$100,000 for the program, Council suggested that she submit a proposal through the existing City process to enable the appropriate review of the proposal. The Manager suggested that Ms. Graham contact Assistant City Manager Mona Edwards for information about the process.

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Councilmember Perkins moved that Kay Bryan Edwards be appointed to serve a three-year term on the Library Board; this term will expire 15 August 01. The motion was seconded by Councilmember Holliday and adopted unanimously by voice vote of Council.

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Councilmember Burroughs-White added the name of Theresa Stone to the boards and commissions data bank for possible future service on the Library Board.

Councilmember Burroughs-White added the name of Robert Lauver to the boards and commissions data bank for possible future service on the Historic Preservation Commission.

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Councilmember Vaughan added the name of Robert W. Mays, Jr., to the boards and commissions data bank for possible future service on the Firemen's Relief Fund.

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Councilmember Johnson moved that Mary Peek be appointed to fill the new two-year term on the Zoning Commission; this term will expire 15 August 00. The motion was seconded by Councilmember Holliday and adopted unanimously by voice vote of Council.

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Councilmember Jones added the name of Patricia E. Bonner to the boards and commissions data bank for possible future service in no specific area.

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Mayor Allen added the name of David Pratto to the boards and commissions data bank for possible future service on the Community Television Board.

The Mayor advised that she had appointed Lynn Black to fill the unexpired portion of term of Margaret Smith on the Greensboro Housing Authority.

The Mayor encouraged citizens to support the Clean Water Bond item on the November 3 ballot which was essential for some parts of North Carolina, including some communities in this area.

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The Manager advised that no Council Briefing would be scheduled for October 27.

The Manager announced the upcoming retirement of City Attorney Jesse "Skip" Warren after 40+ years of service to the City of Greensboro; he requested that Council reserve December 2 for a retirement celebration.

Stating that he would be out of office the week of October 19, the Manager advised that Assistant City Manager Edwards would be Acting Manager in his absence.

The Manager also stated that a newspaper article would be forthcoming about the new Library's grand opening and related activities.

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Councilmember Johnson reminded that the Mayor's Teen Summit would be held on October 26 at the Coliseum.

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Councilmember Burroughs-White moved that the City Council adjourn. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 7:15 P.M.

JUANITA F. COOPER
CITY CLERK

CAROLYN S. ALLEN
MAYOR
